

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In Re: ROBERT J. HANRATTA,
KERRY F. HANRATTA,
Address: H - 1000 Sommerworth Lane, Apt. 1527, Richmond, VA 23233
W – 1570 Miller Lane, Manakin-Sabot, VA 23103

Debtors.

Case No: 11-33907-DOT

SUNTRUST MORTGAGE, INC.,

Plaintiff,

Chapter 7

v.

ROBERT J. HANRATTA
KERRY F. HANRATTA,
ROY M. TERRY, JR., Trustee,

Defendants.

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY AND HEARING

SunTrust Mortgage, Inc., a creditor in this case, has filed papers with the Court to obtain relief from the provisions of the automatic stay of the Bankruptcy Code with regard to certain property more particularly described in those papers which are attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant this creditor relief from the provisions of the automatic stay of the Bankruptcy Code, or if you want the Court to consider your views on the Motion for Relief from the Automatic Stay, then on or before July 26, 2011, you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 4001(a)-1(C) and 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

William C. Redden, Clerk
U.S. Bankruptcy Court
Richmond Division
701 East Broad Street
Suite 4000
Richmond, VA 23219

You must also mail a copy of any such response to:

Jason L. Hamlin, Esquire
Melissa M. Watson Goode, Esquire
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510

Attend the preliminary hearing scheduled to be held on August 9, 2011 at 11:00 a.m. in the U.S. Courthouse, Room 5100, United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219.

If no timely response has been filed opposing the relief requested, the Court may grant the relief requested in the Motion for Relief from Stay.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion for Relief from Automatic Stay and may enter an Order granting that relief.

Date: July 12, 2011

Signature: /s/Melissa M. Watson Goode

Name: Jason L. Hamlin, VSB #46931
Melissa M. Watson Goode, VSB #73516
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2011, a true copy of the foregoing Notice of Motion for Relief from the Automatic Stay was submitted for electronic transmittal to Kevin A. Lake, Attorney for the Debtors, and to Roy M. Terry, Jr., Trustee, and was mailed, first class, postage prepaid to Robert J. Hanratta, Debtor, at 1000 Sommerworth Lane, Apt. 1527, Richmond, VA 23233 and to Kerry F. Hanratta, Debtor, at 1570 Miller Lane, Manakin-Sabot, VA 23103.

/s/Melissa M. Watson Goode
Jason L. Hamlin, VSB #46931
Melissa M. Watson Goode, VSB #73516
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
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KERRY F. HANRATTA,
ROY M. TERRY, JR., Trustee,

Defendants.

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO ALL DEFENDANTS:

Pursuant to Rule 4001(a)-1(C) of the Local Rules of the United States Bankruptcy Court of the Eastern District of Virginia, you have fourteen (14) days from July 12, 2011, the date of service of this Motion upon you, to file a written response thereto and you must file such response with the Clerk of the United States Bankruptcy Court, Richmond Division, 701 East Broad Street, Suite 4000, Richmond, VA 23219 and serve a copy of same upon the Plaintiff's attorneys, Jason L. Hamlin and/or Melissa M. Watson Goode, at Crown Center, Suite 600, 580 East Main Street, Norfolk, VA 23510.

Jason L. Hamlin, VSB #46931
Melissa M. Watson Goode, VSB #73516
Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510
(757) 625-6787
Attorneys for SunTrust Mortgage, Inc.

Glasser and Glasser, P.L.C.
Crown Center, Suite 600
580 East Main Street
Norfolk, Virginia 23510-2212

TO THE HONORABLE DOUGLAS O. TICE, JR.:

Your Plaintiff, SunTrust Mortgage, Inc., respectfully represents as follows:

1. That this is a core proceeding within the meaning of the Bankruptcy Code and Rules.
2. That on June 13, 2011, the above-named Debtors filed a Petition in this Court.
3. That Roy M. Terry, Jr. was appointed Trustee of the property, has qualified and is now acting.
4. That at the time of the filing of the Debtors' Petition herein, the Debtors had an ownership interest in certain real property and improvements having a street address of 7335 Cornus Avenue, Chesterfield, Virginia, more particularly described as follows:

ALL those certain piece or parcel of land with improvements thereon and appurtenances thereunto belonging lying and being in Matoaca Magisterial District, Chesterfield County, Virginia, and shown and designated as Lot 1, Section A on a plat entitled "THE VILLAS AT DOGWOOD, SECTION A", prepared by Barthol Design Associates, Civil Engineering & Land Surveying, dated January 5, 2006, a copy of which plat was recorded in the Clerk's Office, Circuit Court, Chesterfield County, Virginia, May 26, 2006 in Plat Book 166, Pages 89-91, to which plat reference is made for a more particular description of the property hereby affected.

5. That the Plaintiff is the holder of a Deed of Trust Note dated February 15, 2007, in the original principal amount of \$282,750.00 with variable interest thereon from said date at the rate of 2.625 percentage points above the Current Index as established in said Note, secured by a Deed of Trust on said real property and improvements recorded in the Clerk's Office of the Circuit Court of the County of Chesterfield, Virginia, on which there is an unpaid principal balance owing to the Plaintiff of \$282,750.00, exclusive of interest and late charges. True copies of said Note and Deed of Trust are attached hereto and incorporated by reference as Exhibits "A" and "B", respectively.

6. That there is no equity in said real property and improvements for the Debtors' Bankruptcy estate based upon the valuation of said property established by the County of Chesterfield tax assessor of \$292,400.00 and adjusted for costs of sale of said property as a result of said valuation.

7. That the Debtors have defaulted in the payments due to the Plaintiff relative to the aforementioned Deed of Trust Note totaling the sum of \$22,907.44, exclusive of attorney's fees and costs incident to the filing and prosecution of this Motion. The Plaintiff reserves the right to specify any additional payment default or delinquency that may accrue between the filing date of this Motion and the time of any hearings scheduled with regard to same.

8. That in the event the Plaintiff is granted relief from stay hereunder, the Plaintiff, its agents and/or representatives, requests that the Order granting said relief allow the Plaintiff, its successors and/or assigns, agents and/or representatives to send communications, as necessary, to the Debtors, including, but not limited to, notices required by applicable state law in connection with applicable State Court foreclosure or other proceedings incident to the aforesaid real property and improvements including any proceedings necessary to recover possession of same from the Debtors.

9. That the facts hereinabove alleged constitute cause for a grant of stay relief in favor of the Plaintiff pursuant to the provisions of 11 U.S.C. Section 362(d)(1) and are further grounds for relief pursuant to the provisions of 11 U.S.C. Section 362(d)(2).

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay of the Bankruptcy Code with regard to the above-described real property and improvements including any act necessary to recover possession of same from the Debtors and that the stay of such grant of relief imposed pursuant to the provisions of Rule 4001(a)(3) of the

Bankruptcy Rules be waived.

SUNTRUST MORTGAGE, INC.

By/s/Melissa M. Watson Goode
Of Counsel

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2011, a true copy of the foregoing Motion for Relief from the Automatic Stay was submitted for electronic transmittal to Kevin A. Lake, Attorney for the Debtors, and to Roy M. Terry, Jr., Trustee, and was mailed, first class, postage prepaid to Robert J. Hanratta, Debtor, at 1000 Sommerworth Lane, Apt. 1527, Richmond, VA 23233 and to Kerry F. Hanratta, Debtor, at 1570 Miller Lane, Manakin-Sabot, VA 23103.

/s/Melissa M. Watson Goode
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